

RECEIVED
CENTRAL FAX CENTER

Page 1 of 2

MAY 22 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20591
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/944,564	09/04/2001	1623	1259			24	15

CONFIRMATION NO. 8476

UPDATED FILING RECEIPT

05000000007223633

AL-JASSIM, Rawaa
2578 River Woods Drive
Naperville, IL 60565

Date Mailed: 12/21/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Nida Abdul-Ghani Nassief, Doha, IRAQ;

Domestic Priority data as claimed by applicant

Fax
571 273 8300

Foreign Applications

UNITED KINGDOM 9904777,1 03/02/1999

If Required, Foreign Filing License Granted 10/06/2001

Projected Publication Date: 03/28/2002

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Asthma/allergy therapy that targets T-lymphocytes and/or eosinophils

Preliminary Class

514

10

New claim 40 specifies that the glycophosphopeptical is administered topically in the form of eye or nasal preparations such as drops or ointment, or skin or vaginal preparations such as cream and ointment, as disclosed on page 8, lines 18-20.

New claim 41 specifies the treatment of patients suffering from extrinsic asthma, intrinsic asthma or mixed extrinsic/intrinsic asthma, based for example on page 8, line 26.

New claim 43, which specifies the treatment of patients suffering from allergic and perennial rhinitis, allergic conjunctivitis, chronic urticaria, atopic dermatitis or laryngeal oedema, is based for example on page 8, lines 26-28.

New claim 44 relates to treating patients suffering from chronic corticosteroid-dependent allergy and asthma. The treatment of chronic disease is stated on page 7, line 20 for example and this is taken in conjunction with the description on page 2, line 19 to page 2, line 10 of the known corticosteroid therapy.

Information Disclosure Statement

Will be filed by mail

Claim Rejections 35 USC §102

Claim 27, as previously worded, has been rejected under 35 U.S.C.102(b) as being anticipated by Sanchez Palacios A. et al Allergol Immunopathos (Madr)(1992), Vol. 20(1), pages 35-39 ("Sanchez").

The Applicants respectfully traverse this rejection for the following reasons:

- 1) Sanchez relates to the treatment of asthmatic bronchitis (which is not asthma) and infectious respiratory disorders.
- 2) Sanchez does not teach a short term treatment followed by a long term remission as required by amended claim 27.

The Applicants will develop these two lines of argument below.

1. Asthmatic bronchitis /asthma and infectious respiratory disorders

(11)

As stated in the Office Action, Sanchez discloses the use of immunoferon (AM3) in the treatment of childhood respiratory pathology. AM3 is the same as glycophosphopeptidal as claimed in claim 27.

The skilled person is aware that asthmatic bronchitis is a name given to -----

Thus, the skilled person understands that Sanchez relates to the treatment of infectious respiratory disorders, and did not treat the group of children for asthma or allergy which are non-infectious disorders

2. Short term treatment followed by a long term remission

Sanchez teaches the treatment of children with infectious disorders such as asthmatic bronchitis (not asthma) by administering 2 envelopes (1.g) daily for 4 months. Thus Sanchez does not disclose a treatment of asthma/allergy by multiple doses for a short term treatment period of 1-20 days, preferably 3-5 days, to induce a remission of several months during which further treatment is not necessary. In fact, since Sanchez's treatment extended over 4 months (about 120 days) it has to be considered a long term treatment of the infectious respiratory disorders.

It follows that amended claim 27 is novel over Sanchez.

Moreover, the Applicants submit that the subject matter of amended claim 27 is unobvious and inventive over the state-of-art and in particular over Sanchez, for the following reasons.

The claimed invention relates to the treatment of allergy and asthma in patients in need of such treatment.

Conventional treatments for these non-infectious disorders are treatments with corticosteroids and antileukotrienes as discussed in the application on page 1, line 21 to page 2, line 10.